

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Beatriz H. Coleman, *et al.*,

Plaintiffs,

v.

Case No. 09-10640

Chase Bank USA, N.A., *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER

Plaintiffs Beatriz H. Coleman and John T. Coleman filed this action in state court, asserting claims against Defendants Chase Bank USA, N.A. and Chase Home Finance, LLC. Defendants removed the action to this Court on February 20, 2009.

At a recent status conference, Plaintiffs' Counsel advised the Court that Beatriz H. Coleman recently filed for bankruptcy. On June 16, 2009, the parties agreed that John T. Coleman's claims in this action would be dismissed with prejudice. (Docket Entry No. 26). The parties further agreed that John T. Coleman would "provide and participate in discovery" in this action following his dismissal. (*Id.*).

Plaintiffs' Counsel has indicated to the Court that he believes that this action is subject to an automatic bankruptcy stay. Defense Counsel does not agree that this action is subject to an automatic stay because the alleged bankrupt party is the plaintiff in this action, not the defendant.

Accordingly, the Court hereby **ORDERS** Plaintiffs' counsel to submit a brief of no more than five (5) pages by **July 10, 2009**, providing authority for Plaintiff Beatriz H. Coleman's position that her claims in this action are subject to an automatic stay. Defendants shall file a brief setting forth their position on the same issue by **July 24, 2009**.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 1, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 1, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager